

MAR 19 2007

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# Fax

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<b>To:</b>	Examiner Tuan Van Nguyen	<b>From:</b>	Thomas Spinelli, Esq.
	Art Unit: 3731		Registration No.: 39,533
<b>Fax:</b>	571-273-8300	<b>Pages:</b>	7
<b>Phone:</b>	571-272-4963	<b>Date:</b>	March 19, 2007
<b>Re:</b>	USSN: 10/670,029 Our Docket: 17053	<b>CC:</b>	

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## RESPONSE TO RESTRICTION REQUIREMENT

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The following is being filed with the U.S. Patent and Trademark Office via facsimile on March 19, 2007:

1. Response to Restriction Requirement W/Transmittal in Duplicate
2. Certificate of Transmission Under 37 CFR 1.8

Applicant: Takayuki Suzuki  
 Serial No.: 10/670,029  
 For: MEDICAL INSTRUMENT  
 Filed: September 24, 2003  
 Docket: 17053  
 Dated: March 19, 2007  
 TS:cm

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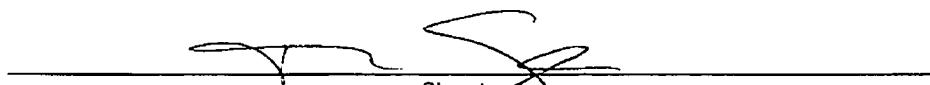
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MAR 19 2007

TRANSMITTAL LETTER  
(General - Patent Pending)Docket No.  
17053

In Re Application Of: Takayuki Suzuki

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/670,029	September 24, 2003	Tuan Van Nguyen	23389	3731	4550

Title: MEDICAL INSTRUMENT

COMMISSIONER FOR PATENTS:

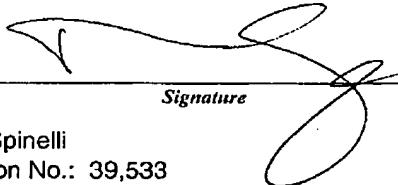
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Thomas Spinelli  
Registration No.: 39,533

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Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/670,029	September 24, 2003	Tuan Van Nguyen	23389	3731	4550

Title: MEDICAL INSTRUMENT

COMMISSIONER FOR PATENTS:

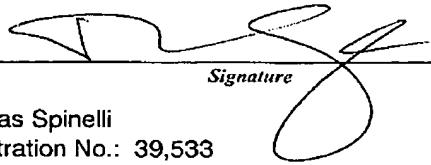
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Signature

Thomas Spinelli  
Registration No.: 39,533

Dated: March 19, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicant:</b>	Takayuki Suzuki	<b>Examiner:</b>	Tuan Van Nguyen
<b>Serial No:</b>	10/670,029	<b>Art Unit:</b>	3731
<b>Filed:</b>	September 24, 2003	<b>Docket:</b>	17053
<b>For:</b>	MEDICAL INSTRUMENT	<b>Dated:</b>	March 19, 2007
<b>Conf. No.:</b>	4550		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO SPECIES ELECTION

Sir:

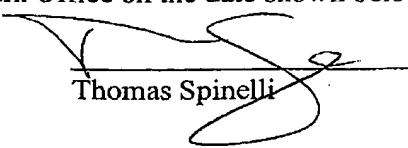
Pursuant to the election requirement imposed in the Official Action dated January 17, 2007, Applicant elects the claims of Species I, i.e., claims 6 and 7 for continued prosecution herein along with generic claims 1 and 10.

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CERTIFICATION OF FACSIMILE TRANSMISSION

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Dated: March 19, 2007



Thomas Spinelli

g\olympus\1373\17053\amend\17053.am1

Claims 1-15 are present in the above-captioned application and have been subjected to a species election under 35 U.S.C. § 121. Specifically, the Official Action avers that the following patentably distinct species of the claimed invention are present in the claims:

Species I, characterized by Figures 3A-4D; and

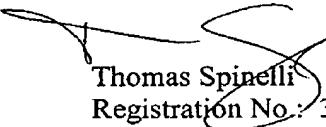
Species II, characterized by Figures 15A-16D.

It is the Examiner's position that the species listed as Species I-II are patentably distinct from each other.

In response to the Examiner's requirement for species election, Applicant elects to prosecute the subject matter of Species I, claims 6 and 7 along with generic claims 1 and 10. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,

  
Thomas Spinelli  
Registration No.: 39,533

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